

**GOVERNMENT OF TELANGANA
ABSTRACT**

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under G.O.Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs.Rc.No. C3/2596/2019-38, dated 30.01.2020 - Appeal filed by B.Vasantha D/o B.Bikkulal R/o Venkatapur village of Neradigonda Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 13

Dated: 01-02-2021

Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs.Rc.No C3/2596/2019-38, dated 30.01.2020 of Collector & District Magistrate, Adilabad District
3. Appeal petition filed by B.Vasantha D/o B.Bikkulal R/o Venkatapur village of Neradigonda Mandal of Adilabad District, dated 03.02.2020.
4. Govt.Memo.No.226/TW.LTR/2020, dated 13.03.2020
5. Lr.Rc.No.D5/309/2018, dated: 14.07.2020 of District Collector, Adilabad.
6. Notice No.226/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2 In pursuance of the said Government orders under reference 1st read above, the Collector & District Magistrate, Adilabad District vide her orders in the reference 2nd cited, has cancelled the Agency Area ST Certificate bearing No. C/292/2019, dt. 04.01.2019 issued by the Tahsildar, Neradigonda mandal to B.Vasantha D/o B.Bikkulal R/o Venkatapur village of Neradigonda Mandal of Adilabad District and also declared that she is not a local Scheduled Tribe as per definition of GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018, basing on the following grounds/recommendations of the Scrutiny Committee headed by PO ITDA Uttoor:

- Applicant appeared before the Committee on 21.11.2019 and submitted "Grama Peddala Vangmulam" only.
- During final hearing on 6.12.2019, the Scrutiny Committee concluded with the following findings:
 - Though the Tahsildar, Neradigonda has issued Agency Area Certificate Vide Lr.No.C/292/2019, dt.04.01.2019, the following anomalies were found which is contrary to the provisions of GO Ms.No.24, TW (LTR.1) Dept. dated 12.06.2018.
 - The applicant has produced documentary evidence to prove residence only from the year 1971.
 - The candidate has failed to submit basic records or any other documentary evidence since 1950 pertaining to her family before the Committee.

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- The Scrutiny Committee with the above findings opined that there is no significant evidence to prove that B.Vasantha D/o B.Bikkulal R/o Venkatapur village of Neradigonda Mandal of Adilabad District belongs to Agency Area. Hence, the LST Certificate issued to her by the Tahsildar, Neradigonda vide Rc.No.C/292/2019, ddt. 04.01.2019 is not genuine as the same was not issued in accordance with GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018. Hence recommended for cancellation.
- A show cause notice was issued by the District Collector, Adilabad, to B.Vasantha D/o M.B.Bikkulal to attend before the District Collector, Adilabad on 30.01.2020 to prove her claim as Local ST with relevant material/documents.
- Accordingly, B.Vasantha D/o B.Bikkulal had attended before the District Collector, Adilabad on 30.01.2020 and produced documentary evidences only from the year 1971, but unable to produce evidences from 1950.
- Therefore, the District Collector, Adilabad has cancelled her Agency Area ST Certificate bearing Rc.No.C/292/2019, dt.04.01.2019 issued by the Tahsildar, Neradigonda and also declared her as not a Local ST as per definition under GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant B.Vasantha D/o B.Bikkulal R/o Venkatapur village of Neradigonda Mandal of Adilabad District, has filed Appeal before the Government under G.O.Ms.No.24, TW (LTR.1) Dept. dt.12.6.2018. The contentions of Appellant B.Vasantha D/o B.Bikkulal are as follows:

- She has been selected for the post of SGT-TRT.
- Her forefathers lived as farm servants. In the year 1964, they cultivated lands on Koulu (lease) and in the year 1973-74 acquired patta lands.
- Village Elders declaration also submitted.
- Documents produced by her are genuine.

4. Therefore, the appellant B.Vasantha D/o B.Bikkulal prayed to consider her appeal and provide employment to her.

5. The appellant B.Vasantha D/o B.Bikkulal have been submitted the following documents along with the Appeal and also during hearing on 5.9.2020.

- i) Family Tree – Malya is great great grandfather of appellant. He has one son namely **Kasinya i.e. great grandfather of appellant.**

Kasinya (great grandfather of appellant) has three sons namely 1) Kasiram 2) Nanya and **3) Kheemya (grandfather of appellant). Kasiram i.e. elder brother of Kheemya has one son namely Seetaram.**

Kheemya (grandfather of appellant) has two sons namely **1) Bikkulal (father of appellant)** and 2) Gokul.

(Contd..3)

Bikkulal (father of appellant) has four children namely 1) Rajitha (daughter) 2) Ramakrishna (son) **3) Vasantha (daughter and appellant)** and 4) Jayanthi (daughter).

- ii) Copy of agreement written on 3.5.1968 on NJ stamp paper worth Rs.2/- in token of receipt of Rs.550/- as Koul paid by Sri Banoth Nanya S/o Kasna R/o Venkatapur (elder brother of grandfather of appellant Kheemya).
- iii) Xerox copy of receipt No.20, dt.5.6.1976 and receipt No.93, dt.28.12.1977 issued by Sahakara Parapathi Sangham for an amount of Rs.27/- and Rs.849/- to Sri Seetaram S/o Kasiram (son of eldest brother namely Kasiram of grandfather of appellant Kheemya).
- iv) Copy of GP Venkatapur of Neradigonda Mandal dt.5.1.1999 issued to Sri Nanya S/o Kasinya (elder brother of grandfather of appellant) for an amount of Rs.259.20 ps towards House Tax for the years 1995-99.
- v) Choufasla for the year 1973-74 of Madhapur village of Boath Mandal – shows name of Seetaram S/o Kasiram (son of eldest brother of grandfather of appellant).
- vi) Copy of GP permit dt.31.12.1983 issued by Sarpanch, GP Venkatapur, Boath Taluq – certifying mobilizing cattle of Sri Nanya S/o Kasinya (elder brother of grandfather of appellant).
- vii) Voter list for the year 1977 of 241 Boath Assembly Constituency – Part No.78 – Firka: Neradigonda – Taluq: Boath – village: Venkatapur – Block No.1 – Sl.No.s. 96 and 97 under H.No.1-50 show names of 1) Kheemya S/o Kasinya, 2) Mangili W/o Kheemya (grandparents of appellant), Sl.Nos.98 to 102 under H.No.1-51 show names of 1) Nanya S/o Kasinya (elder brother of grandfather of appellant) 2) Patinibai W/o Kasiya (wife of eldest brother of grandfather of appellant) 3) Seetaram S/o Kasiram (son of eldest brother of grandfather of appellant), 4) Somalibai W/o Kasinya (mother of grandfather of appellant) and 5) Chevukibai (wife of son of eldest brother of grandfather of appellant).
- viii) Certificate of Proof of Local Scheduled Tribe Candidate issued by MRO Neradigonda bearing No.C/272/2001, ddt.1.1.2001 certifying that Banavath Bikkulal S/o Banavath Keemya, aged 27 years belonging to ST R/o Venkatapur village and that his parents have been residing in Venkatapur village of Neradigonda Mandal in Adilabad District which falls within scheduled area since 26.1.1950.
- ix) Certificate of Proof of Local ST Candidate bearing No.C/233/2016, dt.03.05.2016 issued by Tahsildar, Neradigonda, wherein it was certified that Kum.Banavath Vasantha D/o Banavath Bikkulal R/o Venkatapur village of Neradigonda Mandal of Adilabad District belongs to ST sub-caste Lambada and the individual and her parents are residing in Venkatapur village since 1950. This village comes under scheduled area.

- x) Agency Area Local ST Certificate bearing Rc.No.C/292/2019, dt.04.01.2019 issued by Tahsildar, Neradigonda certifying that B.Vasantha D/o MB Bikkulal belongs to ST (Lambada) and that her parents/grand parents have been continuously residing at Venkatapur village since 26.1.1950 which is a notified scheduled village as per Scheduled Areas (Part-B States) Order, 1950.
- xi) Village Elders declaration dt.8.10.2018 of Venkatapur village viz.,
1) Rupavath Ramulu S/o Samya, 65 years, occ: Agriculture, ST Lambada 2) Rupavath Manjya S/o Davuji, 70 years, occ: Agriculture and 3) Ade Bheemji S/o Hatya, age: 73 years, occ: Agriculture – wherein they stated that the families of Banavath Vasantha S/o Bikkulal (TSPSC ID No.TS1400644451, HT No.1753113151) (appellant herein) and Ade Kiran S/o Vittal (TS2401241973, HT No.1753123604) have been continuously living in Venkatpur agency village from before 1950 from their forefathers who lived by doing agriculture labour, cattle-grazing and daily labour etc. This declaration was witnessed by 8 other villages.
- xii) Village Elders declaration dt.8.11.2019 of Venkatapur village viz.,
1) Rupavath Lakshmanaik S/o Chathrunaik, 102 years, 2) Rupavath Ramulu S/o Samya, age: 76 years, 3) Rupavath Manjya S/o Davuji, age: 82 years, and 4) Rupavath Samnibai W/o Bheemanaik, age: 80 years – wherein they stated that 1) Banavath Nanya (elder brother of grandfather of appellant) and 2) Banavath Kheemya (grandfather of appellant) sons of Kasinya (great grandfather of appellant) lived in their village Venkatapur by doing agri labour etc. In the year 1964, they cultivated land on koul basis (lease) and acquired patta land in the year 1971. The declaration was signed by Sarpanch, GP Venkatapur along with 12 other witnesses.
6. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.
7. Accordingly, vide reference 5th read above, the District Collector, Adilabad District has submitted original record of the case along with para-wise remarks.
8. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020, and submitted the documents as submitted along with Appeal Petition.
9. The District Collector, Adilabad had passed orders cancelling the Local ST Certificate of the appellant mainly basing on the finding of the Scrutiny Committee that the appellant has produced documentary evidence only from the year 1971 and failed to prove her residence from 1950 to 1970. From the village elders declaration, the forefathers of the appellant lived in Venkatapur village eking out their livelihood by doing agriculture labour, cattle-grazing etc. which needs to be taken into consideration in the absence of other documentary evidences mentioned in GO Ms.No.24, dt.12.6.2018.

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10. The Government in GO Ms.No.26, TW (LTR) Department, dated 16.11.2020 has allowed the similar case of one Ade Kiran Kumar S/o Vithal R/o Venkatapur village of Neradigonda Mandal in Adilabad District. As seen from the family tree in this case, the grandfather of Ade Kiran namely Nanya is the own elder brother of grandfather of the present appellant i.e. Kimya. Thus, the Appellant in Appeal No.226/TW.LTR/2020-6 i.e. Ade Kiran Kumar R/o Venkatapur and the present Appellant in this Appeal belongs to the same Family Tree and belong to the same Venkatapur agency village in Neradigonda Mandal of Adilabad District.

11. As per the documentary evidences produced before the Government as examined above and in the light of orders issued by the Government in GO Ms.No.26, TW (LTR) Department, dated 16.11.2020, it is established that the Appellant B. Vasantha D/o Bikkulal and her forefathers are the residents of Venkatapur, an agency village in Neradigonda Mandal, Adilabad District since 26.1.1950.

12. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the appeal petition, during the hearing on 5.9.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in interim orders passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018 and in the light of orders issued by the Government in GO Ms.No.26, TW (LTR) Department, dated 16.11.2020, it is established that the Appellant B.Vasantha D/o Bikkulal and her forefathers are the residents of Venkatapur, an agency village in Neradigonda Mandal, Adilabad District since 26.1.1950.

13. Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs. Rc.No.C3/2596/2019-38, dated 30.01.2020 and allow the Appeal filed by the appellant B. Vasantha D/o Bikkulal R/o Venkatapur village of Neradigonda Mandal, Adilabad District and declaring her is a local Scheduled Tribe of Venkatapur agency village and also the Agency Area Local ST Certificate bearing No.C/292/2019, dt.04.01.2019 issued by the Tahsildar, Neradigonda, is treated as valid.

14. The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr.CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

B. Vasantha D/o Bikkulal R/o Venkatapur village of Neradigonda Mandal,
Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission,
Hyderabad (for information & necessary action)

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- 2.The Project Officer, ITDA Uttoor, Adilabad District (for information & necessary action)
- 3.The District Educational Officer, Adilabad (for information & necessary action)
- 4.The PS to Hon'ble Minister for ST Welfare for information.
- 5.The PS to Secretary (TW)
- 6.The PS to Special Secretary (TW)
7. SF/SC

//FORWARDED:: BY ORDER//

SECTION OFFICER.